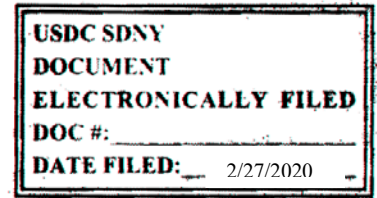


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

03-MDL-01570 (GBD)(SN)

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

**ORDER**

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**SARAH NETBURN, United States Magistrate Judge:**

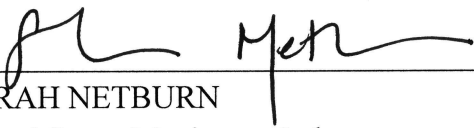
This document relates to:

Doe v. Bin Laden, 09-CV-07055 (GBD)(SN)

The Court has reviewed the parties' Status Report and Proposed Discovery Plan. ECF No. 152. For jurisdiction to be proper under the Foreign Sovereign Immunities Act's noncommercial torts exception, Plaintiffs must show both that Defendants' tortious acts caused Plaintiffs' injuries and that Defendants' actions were not discretionary. See 28 U.S.C. § 1605(a)(5)(A); see also In re Terrorist Attacks on September 11, 2001, 392 F.Supp.2d 539, 554 (S.D.N.Y. 2005). Both criteria are important to establish the Court's subject matter jurisdiction. Although the Defendant Islamic Republic of Afghanistan (the "Republic") opposes discovery on both issues and favors limited discovery on only the question of attribution, the Republic previously requested an opportunity to conduct discovery generally on subject matter jurisdiction. Moreover, such consolidated discovery is likely to be more expeditious than piecemeal discovery and motion practice. Accordingly, the Court orders a deadline for discovery 180 days from the date of this Order's issuance. The parties shall file a status letter on May 1, 2020, updating the Court on the status of discovery.

Finally, the Court directs the Clerk of Court to amend the case caption to reflect that the Plaintiff is Lynn Faulkner, in his personal capacity and as the executor of the estate of Wendy Faulkner.

**SO ORDERED.**

  
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SARAH NETBURN  
United States Magistrate Judge

DATED: New York, New York  
February 27, 2020